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**STATE BAR OF CALIFORNIA**  
**COMMISSION FOR THE REVISION OF THE RULES**  
**OF PROFESSIONAL CONDUCT**

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**OPEN SESSION AGENDA**

Friday, February 21, 2003  
(10:00 am - 12:30 and 1:30 - 4:45 pm)  
Saturday, February 22, 2003  
(9:00 am - 4:00 pm)

San Francisco - State Bar Office  
180 Howard Street, Room 8B  
San Francisco, CA 94105  
(415) 538-2167

*[NOTE RE MEETING SITE: For members of the public, this meeting can also be accessed remotely by video-conference from the State Bar Office in Los Angeles at 1149 So. Hill Street, Room 723. Members of the public who wish to access the meeting in this way are asked to call Audrey Hollins at 415-538-2167.]*

**I. APPROVAL OF OPEN SESSION ACTION SUMMARY FROM NOVEMBER 8, 2002 MEETING**

(Materials distributed with January 28, 2003 assignment mailing.)

**II. REMARKS OF CHAIR**

- A. Report on the SEC's Adoption of Attorney Conduct Rules Pursuant to Section 307 of the Sarbanes-Oxley Act, and Written Comments of: the Corporations Committee of the State Bar Business Law Section; the State Bar Litigation Section; the National Organization of Bar Council; and the Conference of Chief Justices.  
(Refer to materials distributed with January 28<sup>th</sup> assignment mailing, in addition to the enclosed materials.) **[pages 1 - 112]**

### III. MATTERS FOR ACTION

All

Members

- A. **Further Discussion of the First Two Paragraphs of the Tentatively Adopted Rule 1-100 Language Found on Pages 8 and 9 of the November 8, 2002 Meeting Summary. This Discussion Will Include (A) Consideration of Whether the Text of These Two Paragraphs Should Be Deferred to Some Future Time and (B) Irrespective of What We Ultimately Decide Regarding Whether the Rules Have a Purpose Other than Discipline, Is it Accurate to State That the Purposes of the Rules Can Be What Is Currently Stated on Page 8, I.e. Can Each Rule Serve All 4 Purposes or Do Some of the Rules Only Serve Some of the Purposes.** (Refer to materials distributed with the January 28<sup>th</sup> assignment mailing, in addition to the enclosed e-mail messages from Jerry, Ellen and JoElla dated February 3, 2003.)  
***[pages 113 - 118]***

Julien,

Lamport,

Melchior &

Interested

Members

- B. **Consideration of Rule 1-100. Rules of Professional Conduct, In General**  
(Materials distributed with September 13, 2002 meeting agenda mailing enclosed.) ***[pages 119 - 128]***

Mohr,

Peck,

Vapnek

- C. **Consideration of Rule 1-120X. New Rule Proposal Arising from Discussion of Rule 1-120 re Incorporating Case Law and B&P Code Provisions**  
(Refer to materials distributed with January 28<sup>th</sup> assignment mailing.)

Martinez,

Melchior,

Peck

- D. **Consideration of Rule 1-300. Unauthorized Practice of Law**  
(Refer to materials distributed with January 28<sup>th</sup> assignment mailing.)

All

Members

- E. **Consideration of Rule 1-310. Forming a Partnership With a Non-Lawyer**  
(Refer to materials distributed with January 28<sup>th</sup> assignment mailing.)

All

Members

- F. **Consideration of Rule 1-311. Employment of Disbarred, Suspended, Resigned, or Involuntarily Inactive Member**  
(Refer to materials distributed with January 28<sup>th</sup> assignment mailing.)

All  
Members

**G. Consideration of Rule 1-320. Financial Arrangements With Non-Lawyers**

(Refer to materials distributed with January 28<sup>th</sup> assignment mailing.)

All  
Members

**H. Consideration of Rule 1-200. False Statement Regarding Admission to the State Bar – Further Consideration of Tentatively Approved Rule**

(Materials enclosed. All members are to review the enclosed report and be prepared to discuss the proposed further amendments to rule 1-200. Mr. Sondheim will present his reasons for the proposed addition when this matter is called for discussion.) ***[pages 129 - 138]***

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**STATE BAR OF CALIFORNIA  
COMMISSION FOR THE REVISION OF THE RULES  
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**CLOSED SESSION AGENDA\***

Friday, February 21, 2003  
(4:45 pm - 5:00 pm)

San Francisco - State Bar Office  
180 Howard Street, Room 8B  
San Francisco, CA 94105  
(415) 538-2167

**I. APPROVAL OF CLOSED SESSION ACTION SUMMARY FROM  
NOVEMBER 8, 2002 MEETING**

(Materials distributed with January 28, 2003 assignment mailing.)

**II. ADVICE OF COUNSEL ON OPEN SESSION AGENDA ITEMS**

**III. ACTION ITEMS.**

**A. Emergency action items, if any.**

\* Closed pursuant to Article 3, Section 2, Subdivision (b), Rules Governing Open Meetings, Closed Sessions and Records of the Board of Governors.